90-1814

(1)

Supreme Court, U.S.
FILED
NOV 29 1990
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

JOHN PASKAVITCH, JUNIOR--PETITIONER

vs

PRESIDENT RONALD WILSON REAGAN--RESPONDENT

PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JOHN PASKAVITCH, JUNIOR, Pro se
295 CHURCH STREET
BROOKLYN, CONNECTICUT 06234
TELEPHONE 1 (203) 774-5937

APRIL 8, 1991

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QUESTION PRESENTED

Petitioner, John Paskavitch, Junior respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals, Second Circuit refusing to hear the respondent on why he did not know a profit of money was made from the illegal sale of United States owned Tube Launched Optically Tracked Wire Guided Anti-Tank Weapons to IRAN.

OPINIONS BELOW

The opinions of the United States Court of Appeals, Second Circuit and the United States District Court, New Haven, Connecticut appears in Appendix (a) and (b) to this petition.

JURISDICTION

The United States Court of Appeals, Second Circuit opinion in this matter was filed on September 4, 1990. A timely petition for rehearing was filed on September 10 and was rejected by the Clerk.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Nixon v the United States Congress. The United States Arms Export Control Act and the #2 Boland Amendment to this act.

STATEMENT OF THE CASE

The United States District Court, New Haven, Connecticut was presented with a 20 charge brief of wrongdoings under United States and International Laws. The brief docketed as H-88-842. Paskavitch v Reagan places emphasis on the illegal sale of

weapons to IRAN. The plaintiff requested the defendant to appear in court to explain his justification for such an act.

REASONS FOR GRANTING THE WRIT

A writ of should be granted for many reasons and twenty were listed in the brief. The key reason is fully explained in the #2 Boland Amendment to the Arms Export Control Act.

The Boland Amendment states in more specific terms that aid to the Contras will be totally prohibited by both the public and private sector. The amendment was passed in 1985. It is briefed in the Continuing Appropriations Act, Public Law No. 90-473, & 8066 (a), 98 Statute 1837, 1935 (1984), and prohibits the use of any funds available to the Central Intelligence Agency or the Pentagon or any other agency or entity of the United States involved in intelligence activities "for supporting, directly or indirectly" military or paramilitary operations in Nicaragua by any nation, organization, group or individual.

The above law must be explained to the United States Supreme Court by President Ronald Wilson Reagan as to why it did not apply to THE WHITE HOUSE OVAL OFFICE to both him and members of his National Security Council staff.

Another key reason for President Reagan's court appearance to answer the petitioner's charges, can be explained when he testified at the trial in Poindexter v United States Congress. The President was asked about the money received from the weapons sale to Iran. He stated the United States government received full value for the weapons, the full cost to the United States. United States District Court Judge Gerhard Gesell did not ask him what money was received above the cost of the arms paid by the United States.

The petitioner is requesting the Supreme Court for this hearing to question President Reagan why he did not know a profit was made from the sale. The petitioner also wants to know why he did not know the profit money was diverted to the arms merchants and Contras.

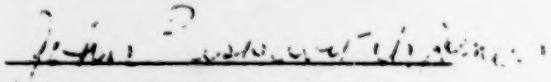
The petitioner is asking the United States Supreme Court to subpoena The White House Diaries and Tapes during the United States, Iran and Israel arms transaction. If both evidences are not provided to the Supreme Court, then surely justice will not prevail.

The Founding Fathers created a four tier judicial governing body to protect the rights and interests of the people. The four are: district; appellate, three judge panel; appellate, 12 judge panel; and the supreme, a nine judge panel.

The creators of the people's government used a very significant phrase to describe its purpose. They wrote in the United States Constitution that the unfolding government would be of the people, by the people and for the people. President Ronald Wilson Reagan created a fourth branch of government. He invented it and had it operating out of the Oval Office. The petitioner requests this court to subpoena not only the diaries and tapes, but the President himself to answer the citizen's arrest charges to the people of the United States.

The petitioner's main charge is he stole the profit money from the people's treasury. President Ronald Wilson Reagan must appear in this court and defend himself.

A PRO SE ACTION BY

Legal Signature 

John Paskavitch, Junior

295 Church Street
Brooklyn, Connecticut 06234
Telephone 1 (203) 774-5937
November 21, 1990

APPENDIX (a)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

JOHN PASKAVITCH, PLAINTIFF

V. CIVIL NO. H-88-842(JAC)

PRESIDENT RONALD REAGAN, DEFENDANT

MOTION TO DISMISS

Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6) of the Federal Rules of Civil Procedure, the governement moves to dismiss the complaint in the above-captioned case. In support of this motion, the government has submitted a Memorandum of Law.

Respectfully submitted,

STANLEY A. TWARDY, JR.
UNITED STATES ATTORNEY

Carl J. Schuman
Assistant U.S. Attorney
P.O. Box 1824
New Haven, CT 06508
(203) 773-2108

RULING

GRANTED upon a full review of the record substantially for the reasons stated in Memorandum of Law in Support of Motion to Dismiss (filed Jan., 1990). In particular, plaintiff has no standing to bring this suit. See Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982). Furthermore, a present or former President of the United States is absolutley immune from this type of suit. See Nixon v. Fitzgerald, 457 U.S. 731 (1982). Accordingly, this case is DISMISSED. It is so ordered.

Jose A. Cabranes, USDJ
New Haven, CT 2/1/1990

APPENDIX (b)

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 4th day of September, one thousand nine hundred and ninety.

PRESENT

HONORABLE WILFRED FEINBERG

HONORABLE RICHARD J. CARDAMONE

Circuit Judges

HONORABLE EDWARD D. RE*

Chief Judge, USCIT

----------X

JOHN PASKAVITCH, JUNIOR

Plaintiff-Appellant,

- against -

PRESIDENT RONALD WILSON REAGAN,

Defendant-Appellee

----------X

1. Plaintiff John Paskavitch, pro se, appeals from an order of the United States District Court for the District of Connecticut, Jose A. Cabranes, J., dated February 1, 1990, granting defendant's motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b). Paskavitch's complaint alledged that former President Ronald Reagan violated numerous federal laws and treaties in conducting his foreign and military policy, and requested a citizens's arrest of President Reagan, as well as his appearance in court to defend plaintiff's charges.

2. Defendant moved to dismiss the complaint for lack of subject matter jurisdiction, for lack of jurisdiction over the person, for insufficiency of service of process and for failure to state

a claim. In a Ruling dated February 1, 1990, endorsed on the motion papers, the district court granted the motion to dismiss substantially for the reasons urged by defendant, in particular on the grounds that plaintiff has no standing to bring this suit and that a present or former President of the United States is absolutely immune from this type of suit.

3. We have considered appellant's arguments, and we affirm the order of the district court for the reasons stated in its Ruling dated February 1, 1990.

WILFRED FEINBERG

RICHARD J. CARDAMONE

EDWARD D. RE

N.B. THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND SHOULD NOT BE CITED OR OTHERWISE RELIED UPON IN UNRELATED CASES BEFORE THIS OR ANY OTHER COURT.

Appeal from the United States District Court for the District of Connecticut.

This cause came on to be heard on the transcript of record from the United States District Court for the District of Connecticut, and was taken on submission.

UPON CONSIDERATION WHEREOF, it is hereby ordered, adjudged and decreed that the order of said District Court is AFFIRMED.

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* Honorable Edward D. Re, Chief Judge, United States Court of International Trade, sitting by designation.

APPENDIX (c)

in the

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1990

No. 90-6127

JOHN PASKAVITCH, JUNIOR-PETITIONER

V

PRESIDENT RONALD WILSON REAGAN-RESPONDENT

PROOF OF SERVICE

I, John Paskavitch, Junior, do swear or declare that on this date, December 11, 1990, pursuant to Supreme Court Rules 29.3 and 29.4, I have served the attached PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding, or that party's counsel, and on every other person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

Carl J. Schuman, United States
Assistant Attorney
P.O. Box 1824, New Have, CT 06508

Solicitor General, Clerk
United States Court of Appeals,
Second Circuit, United States Court
House
Foley Square
New York City, New York 10007

John Paskavitch, Junior
Affiant

Sworn to and subscribed before me thi
9th day of January, 1991.

Notary Public

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, D.C. 20543

February 14, 1991

Mr. John Paskavitch, Jr.

295 Church Street

Brooklyn, CT 06234

RE: Paskavitch v. President Ronald Reagan

Dear Mr. Paskavitch:

Your petition for a Writ of Certiorari was received again February 12, 1991, and must comply with Rule 33. You must include the order denying your petition for rehearing. Questions presented must appear on the very first page of the petition as required by Rule 14.

This office shall continue to retain one copy of the petition and your check in the amount of $300.00 in expectation of receipt of a properly prepared petition. See Rule 33.7.

Very truly yours,

JOSEPH F. SPANIOL, JR.

Clerk

by

Francis J. Lorson

Chief Deputy Clerk

em

enc.

cc: Solicitor General